

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

In the Matter of)
)
 Amendment of Section 73.202(b),)
 Table of Allotments,)
 FM Broadcast Stations)
 (Osceola and Sedalia, Missouri))

MM Docket No. 99-299
 RM-9687

RECEIVED
 NOV 29 1999
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

Directed to: Chief, Allocations Branch

COUNTERPROPOSAL OF BOTT COMMUNICATIONS, INC.

Bott Communications, Inc. ("Bott"), by its attorneys, hereby proposes the allocation of Channel 262A to Wheatland, Missouri as that community's first aural service. This is a counterproposal to the use of Channel 262A at Osceola, Missouri as proposed in the *Notice of Proposed Rule Making (NPRM)*, DA 99-2101 (released October 8, 1999), in this proceeding. In support of this counterproposal, the following is shown.

Technical Showing

As the attached engineering statement demonstrates, Channel 262A may be assigned to Wheatland, Missouri subject to a 12.6 km site restriction. All distance separation requirements would be satisfied from this location except to the mutually exclusive proposal to use Channel 262A at Osceola to accommodate the 6 kw upgrade of Station KCVJ. The engineering statement also confirms that city-grade coverage of Wheatland would be provided from the proposed reference coordinates. A total of 32,828 persons within 2,863 square kilometers would be served by the new station.

Bott's engineering statement also demonstrates that the 6 kw upgrades proposed in the *NPRM* may be accomplished through a mutual upgrade agreement pursuant to Section 73.213(c)(2) of the rules. This resolution would be a far better and more efficient use of the spectrum than sacrificing Channel 262A, which could otherwise be used for a first aural service at Wheatland.

Wheatland, Missouri

Wheatland, Missouri needs and can support a new radio station. Wheatland's 1990 population was 363. It is an incorporated city with an elected mayor and four elected aldermen. It has a city clerk and treasurer. Wheatland has its own water and sewer department, a volunteer fire department with firehouse, and operates a school for children in the preschool through high school years.

There are 35 businesses located in Wheatland, as indicated on the attached list obtained from the city clerk. The city has five churches, a senior citizens' housing facility, a county nutrition center and a U.S. Post Office.

Wheatland also is the site of Wheatland Pioneer Village, a popular tourist attraction. As indicated in the attached brochure, Pioneer Village consists of thirteen log buildings constructed between 1840 and 1920. The village hosts a harvest festival each September which attracts hundreds of tourists. Another tourist attraction is Pomme de Terre Lake, which can be accessed by Wheatland Park. The park has a swim beach, picnic areas, playgrounds, multiple camp sites and sanitary facilities. A map of Wheatland Park is attached.

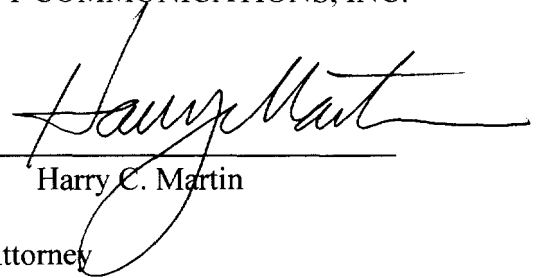
Should the Commission assign Channel 262A to Wheatland, Bott will apply for the new facility and, if its application is approved, will construct and operate a new station at that community.

WHEREFORE, it is respectfully requested that the Commission amend Section 73.202(b) of its rules to add Channel 262A to Wheatland, Missouri.

Respectfully submitted,

BOTT COMMUNICATIONS, INC.

By: _____

A handwritten signature in dark ink, appearing to read "Harry C. Martin", is written over a horizontal line. The signature is fluid and cursive.

Harry C. Martin

Its Attorney

Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street, 11th Floor
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(703) 812-0400

November 29, 1999

Engineering Statement
Petition for Rulemaking
to Amend the FM Table of Allotments (§73.202(b))
Addition of Channel 262A at Wheatland, Missouri
(Counterproposal to RM-9687 MM Docket 99-299)
prepared for
Bott Communications, Inc.

Introduction

Bott Communications, Inc. ("*Bott*") respectfully requests the Federal Communications Commission to amend Section 73.202(b) of its rules to add FM Channel 262A at Wheatland, Missouri. The instant petition is a counterproposal to RM-9687 in MM Docket 99-299. *Bott* seeks to provide a first local aural service to the town of Wheatland in Hickory County, Missouri.

Ch. 262A at Wheatland, Missouri

Wheatland is a city with a population of 363 people occupying one square kilometer as of the 1990 U.S. Census. *Bott's* proposed allotment reference point for Wheatland is North Latitude 38° 02' 55" West Longitude 93° 27' 41". The use of Channel 262A at *Bott's* proposed allotment reference point requires a 12.6 km site restriction from the coordinates shown in the National Atlas for Wheatland, Missouri. The proposed allotment reference point meets all pertinent minimum distance separation requirements for Channel 262A toward domestic, United States stations except with respect to the mutually exclusive proposal to use Ch. 262A in place of Ch. 222A for KCVJ(FM) at Osceola, Missouri. A 16 km arc from the proposed allotment reference point (distance to the 3.16 mV/m contour with an ERP of 6.0 kW 100m AAT) encompasses all of the city of Wheatland. From the proposed reference point, within the Class A class contour distance of 28 kilometers, there are 2,463 square kilometers and 32,828 people as of the 1990 U.S. Census.

KCVJ(FM) Ch. 222A at Osceola, Missouri

The Commission's Notice of Proposed Rulemaking for Osceola and Sedalia, Missouri (RM-9687, MM Docket 99-299, released October 8, 1999) proposes to use Ch. 262A for KCVJ(FM) at Osceola as part of a plan to allow several Class A FM stations to increase their respective ERPs from 3.0 to 6.0 kW. If the proposed rulemaking (RM-9687) is granted, KMFC(FM), Ch. 221A, Centralia, MO; and KSDL(FM), Ch. 221A, Sedalia, MO would be entitled to operate with ERPs of

Engineering Statement
Petition for Rulemaking
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6.0 kW. It does not appear to be necessary for KCVJ(FM) to move off of its currently assigned frequency (Channel 222A) in order to accomplish a mutual upgrade of these three facilities. If KCVJ, KMFC, KSDL, and KMOE were to all enter into a mutual upgrade agreement pursuant to 73.213(c)(2), there would be no conflict with *Bott's* instantly proposed use of Ch. 262A for Wheatland, Missouri.

KCVJ(FM) operates on Channel 222A as allotted to Osceola, Missouri. The KCVJ(FM) transmitter site meets pertinent Class A (6.0 kW/100m) minimum distance separation requirements toward all other facilities and allotments except KMOE(FM).

KMOE(FM) operates on Channel 221A as allotted to Butler, Missouri. The KMOE(FM) transmitter site meets pertinent Class A (6.0 kW/100m) minimum distance separation requirements toward all other facilities and allotments except KCVJ(FM), KSDL(FM), and a pending NCE application for Lake Lotawana (BPED-990104MM). The Lake Lotawana Application requests authorization pursuant to §73.215 toward KMOE as if it were a 6.0 kW Class A facility.

KSDL(FM) operates on Channel 221A as allotted to Sedalia, Missouri. The KSDL(FM) transmitter site meets pertinent Class A (6.0 kW/100m) minimum distance separation requirements toward all other facilities and allotments except KMOE(FM) and KMFC(FM).

KMFC(FM) operates on Ch. 221A as allotted to Centralia, Missouri. The KMFC(FM) transmitter site meets pertinent Class A (6.0 kW/100m) minimum distance separation requirements toward all other facilities and allotments except KSDL(FM).

Thus, if KCVJ(FM), KMOE(FM), KSDL(FM) and KMFC(FM) were to enter into a mutual upgrade agreement (as three of the four have expressed interest so far with the KCVJ filings for this rulemaking,) KCVJ would not need to move to Channel 262A. The city of Wheatland and 32,828 people in the area would also then benefit from an additional FM aural service in the area.

Engineering Statement
Petition for Rulemaking
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Conclusion

Bott respectfully requests that the Commission amend Section 73.202(b) to allot Channel 262A to Wheatland, Missouri with the allotment reference point North Latitude 38° 02' 55" West Longitude 93° 27' 41" with a 12.6 km site restriction. Allotment of Channel 262A to Wheatland will provide a first local aural service to the city and provide an additional FM service to over 32,000 people in a rural area.

Certification

I, Mark B. Peabody, hereby certify that the foregoing statement was prepared by me or under my direction on behalf of *Bott Communications, Inc.*, that it is true and correct to the best of my knowledge and belief, and that my qualifications are a matter of record with the Federal Communications Commission.



Mark B. Peabody
November 23, 1999

LIST OF WHEATLAND BUSINESSES

1999
CITY OF WHEATLAND
BUSINESSES
AND
MERCHANTS

BUSINESS NAME	OWNER'S NAME	ADDRESS	CITY	ST	ZIP CODE	PHONE #
ALTERSTART	JESSE PAYNE	P. O., BOX 282	WHEATLAND	MO	65779	282-6425
A-PLUS GLASS	RICK DARBY	P.O., BOX 6	WHEATLAND	MO	65779	282-5931
AUTOMOTIVE CENTRAL MOTOR CO	GERALD WHISENAND	RT 3, BOX 3272	WHEATLAND	MO	65779	282-5000
BONNIE'S LUNCH WAGON	BONNIE HENDERSON	RT 1, BOX 1106	WHEATLAND	MO	65779	282-5525
BUCKS SERVICE STATION	DINNIS KOENIG	P. O., BOX 155	WHEATLAND	MO	65779	282-5832
CANDLELIGHT CREATIONS	SUE LANE THOMPSON	P. O., BOX 142	WEAUBLEAU	MO	65774	428-3220
CARMAN AUCTION CENTER	JAMES CARMAN	RT 2, BOX 2002	WHEATLAND	MO	65779	282-6186
CASE TRAPPER'S CABIN	CAROLY & MYRON CASE	HCR 61, BOX 7B	COLLINS	MO	65738	275-4472
CLASSIC COUNTRY GIFTS	WANDA CAHOW	RT 2, BOX 2434	WHEATLAND	MO	65779	282-6783
COMPUTER GURU	MARSHA STEIN	RT 2, BOX 16C	WHEATLAND	MO	65774	282-6371
COUNTRY MEMORIES	ORA ROGERS	P. O., BOX 57			65779	282-6972
CRAFTERS CRIB	RUTH CROSSLAND	RT 2, BOX 2424	WHEATLAND	MO	65779	282-5012
D & L CORNER	DENNIS HENRY	P. O., BOX 274	WHEATLAND	MO	65779	282-6434
DARBY MOTOR'S	RICK DARBY	P. O., BOX 6	WHEATLAND	MO	65779	282-5931
EAST SIDE STORAGE	RICK DARBY	P. O., BOX 67	SEDALIA	MO	65779	282-5931
FALCON CABLE TV		210 W 7TH	WHEATLAND	MO	65301	826-8520
GREEN & CLEAN	ANDREA LOWER	P. O., BOX 211	WHEATLAND	MO	65779	282-6003
GYNEMIA'S FLOWER SHOP	GYNEMIA WALKER	RT. 2, BOX 2046	WHEATLAND	MO	65779	282-6980
H & K LUNCH WAGON	RICK KELLISON	RT. 2, BOX 2034	WHEATLAND	MO	65779	282-6047
IMAGES PORTRAIT DESIGN	LISA WILES	RT. 2, BOX 2003	WHEATLAND	MO	65779	282-5172
INMAN LEATHER	BILL INMAN	RT. 1, BOX 1723	WHEATLAND	MO	65779	282-5867
J & M USED FURNITURE	JOHN ADMUNDSON	RT. 2, BOX 2972	WHEATLAND	MO	65779	282-5432
KALLWEIT ELECTRIC	RON KALLWEIT	RT 2, BOX 2945	WHEATLAND	MO	65779	745-6309
KLIP & KURL	BRENDA SMITH	P. O., BOX 225	WHEATLAND	MO	65779	282-6123
LEOTA'S HOUSE OF TREASURES	LEOTA KALLWEIT	P. O., BOX 74	WHEATLAND	MO	65779	282-5510
MITCHELL'S PIT STOP	JOHN MITCHELL	P. O., BOX 156	WHEATLAND	MO	65779	282-6517
OLD CHURCH ANTIQUES	KENT PARSON	P. O., BOX 277	WHEATLAND	MO	65779	282-6864
PINE HOMESTEAD COUNTRY INN	ANDREA LOWER	P. O., BOX 211	WHEATLAND	MO	65779	282-6003
TECH TRONICS	DAVID O'NEIL	RT. 2, BOX 2065	WHEATLAND	MO	65779	282-5150
THE QUILT WORKS	SHIRLEY COLE	P. O., BOX 1561	WHEATLAND	MO	65779	282-5702
TIMELESS CREATIONS	MARY MARKMANN	P. O., BOX 67	HERMITAGE	MO	65668	993-1007
UNEKE NOTIONS	WILMA L. SHERMAN	P. O., BOX 51	WHEATLAND	MO	65779	282-5993
WACKI WAND	RICK DARBY	P. O., BOX 67	WHEATLAND	MO	65779	282-5931
WHEATLAND ANTIQUES	HOYT SMITH	P. O., BOX 184	WHEATLAND	MO	65779	282-5442
WHEATLAND FLEA MARKET & AUCTION	ELIZABETH BRESHEARS	P. O., BOX 271	WHEATLAND	MO	65779	282-5600

WHEATLAND PIONEER VILLAGE

Special Occasions at Pioneer Village

You too can participate in these special events and become part of the Wheatland Pioneer Village spirit at these annual events.

Pioneer Village Christmas Lighting Ceremony

Christmas Lighting Ceremony takes place on the second Sunday of December. All the log buildings are graced with lights supplied by volunteers. It is a sight to behold!

Wheatland Harvest Festival at Pioneer Village

Harvest Festival is held at Wheatland in September on the first weekend following Labor Day. On the town square amidst the log buildings, artists, artisans, craftspeople and entertainers hold forth with this



celebration of community spirit. Soon there will be crafters in the log buildings on a permanent basis.

We invite you to join us for these events and become part of our community - for a day or a lifetime.

Pioneer Village Volunteer Recognition

You are able to experience Pioneer Village now due to the efforts of about eighteen people. These people took time to recognize the worth of these structures sitting in fields or at old home sites. In the process of reclaiming these log buildings, these volunteers encountered much work and found a great amount of satisfaction. They built friendships as they rebuilt these log buildings, much as our ancestors did as they worked together.

VISITOR HOURS

You may check at the Wheatland City Hall, 417-282-6552, about groups visiting the Pioneer Village. Individuals are welcome to tour the village from 9 a.m. through 5 p.m. daily.

**WAKE UP TO
MISSOURI**

This brochure produced in cooperation with the Missouri Division of Tourism.
12/96-40K

Wheatland, Missouri Pioneer Village

A collection of thirteen
authentic log buildings
on the town square

at
Wheatland, MO

located on U.S. Highway 54 between
Missouri Hwy 13 and U.S. Hwy 65



Pioneer Village
P.O. Box 182
Wheatland, MO 65779

How Pioneer Village Came 'Alive!

Wheatland Pioneer Village is a collection of authentic log buildings. In 1992, the construction of this village began through the cooperation of a group of volunteers and the Hickory County Economic Development Council, Inc., a not-for-profit organization. To better understand how you can reconstruct an 1800's village, please read on.

First, thirteen authentic log buildings were located in Hickory County Missouri and the surrounding area. Secondly, these buildings were uncovered and individual logs were labeled for ease in the reassembly process. Next the log structures were disassembled and moved to the Wheatland town square. There, using the log labels and computerized drawings, they were carefully reassembled.

While the reassembly process may sound easy, it requires not only putting the logs together but also rethinking all the exterior and interior spaces between the logs, reroofing and reassembling the interior parts of the buildings.

Pioneer Village also has a replica stagecoach relay station. This relay station is a replica of a frontier Butterfield Overland Mail station. It was built from a photograph of an original relay station using logs from a building beyond restoration. The Butterfield Overland Mail operated from 1858 to 1860 running from

Tipton, MO through Wheatland, MO to San Francisco, CA, a route of 2,790 miles.

A Brief History of Pioneer Village Buildings

By 1995, the Pioneer Village really started taking shape. It now includes several houses, barns and corn cribs, a blacksmith shop and two guest cabins in addition to the mail relay station. All buildings were graciously donated to the Pioneer Village. Approximate dates of construction, types of buildings, original locations and donators (and original builders if known) are described as follows.

1840 - Barn & Corn Crib - Elkton, MO
- Kenneth & Nadine Nutt (built by Jerome McCracken)

1848 - Stable & Corn Crib - St. Clair County, MO - George & Mary Beth Cauthon
(built by William & James Cauthon)

1850 - Akard Cabin - Fair Play, Polk County, MO - Raymond & Jacquetta Hensley

1858 - Carbin Cabin - Nemo, MO,
Hickory County roads 260 & 401 - Maxine Carbin
(built by Benjamin F. Fugate)

1860 - Corn Crib - Fristoe, Benton County, MO, east of U.S. Highway 65 - Darrell Beyer

1895 - Cabin - Hermitage, MO, U.S.
Highway 54 & Hickory County road 182 - Clifford & Dana Peterson (built by Eric Peterson)

1900 - Blacksmith Shop - Roscoe, St. Clair County, MO - U.S. Army Corps of Engineers

1900 - Cabin - Weaubleau, MO, Hickory County roads 240 & 236 - Gerald & Trixie Vaniford

1920 - Guest Cabins - Geronimo Springs, Camden County, MO, U.S. Highway 54 & Little Niangua River - Juanita Kemp



Carbin Cabin being disassembled

What Pioneer Village Represents

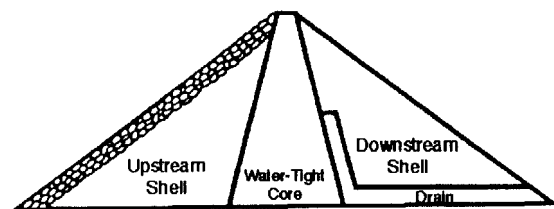
Pioneer Village with the relay station now stands as a proud representative of our local and national heritage - particularly our rural heritage. It gives us visible cause to appreciate our ancestors, who, working with broadax, crosscut saw and other hand tools created these buildings. It gives us a place where we can reflect on the indomitable spirit of our pioneers - - the same spirit we must have to face challenges in today's world.

WHEATLAND PARK

Pomme de Terre Lake

Each Corps of Engineers lake has unique characteristics which set it apart from every other lake. The name "Pomme de Terre" is French for "apple of the earth" or potato. The river was probably named by early French trappers and fur traders for the plant which grew along its banks. The plant produces a tuberous fruit about the size of a golf ball which the Indians and early settlers ate. The fruit may have been prepared for cooking in the same manner as a potato, hence the common name of potato bean or ground nut.

Construction of the Pomme de Terre dam began in 1957. The dam was completed and began operations on October 29, 1961. The dam is constructed of clay, dirt and sand. The clay acts as a water barrier in the center of the dam. Sand is placed on the downstream side of the clay "blanket" and acts as a drain to carry water away from the clay center. Compacted dirt adds strength and stability to the structure.



The dam rises 155 feet above the stream bed and is 7,240 feet long. The outlet tunnel is 560 feet long and was bored through solid bed rock. A small railroad-like system of track and rail cars moved material, supplies, and equipment through the tunnel during construction, much like tunnel coal mines.

Take Only Pictures Leave Only Footprints

Pomme de Terre Lake is a popular recreational area for thousands of people. Project visitors must actively participate in protecting and preserving the park resources because of the impacts of heavy use. Facilities are designed and maintained for your convenience and safety. Safety inspections are conducted frequently by park rangers to ensure a safe recreational environment. Please follow all rules and regulations. They are enforced for your protection and the protection of the grass, trees, and park facilities.

Park Information

Park attendant booth hours are posted on the booths. The open hours have been developed to correspond with visitor use patterns and facilitate management of the park. Please observe these hours to pay camping fees and ask any questions or address concerns you have. Park attendants are available 24 hours a day for emergencies. If you have an accident which requires medical treatment, please notify the park attendant immediately. He can make contact with park rangers and emergency response personnel. Remember—in an emergency, time is critical! Local hospitals are located in Bolivar and Osceola.

A telephone is located at the marina.

Corps of Engineers, Pomme de Terre Lake
417-745-6411
Hickory County Sheriff's Office
417-745-6415

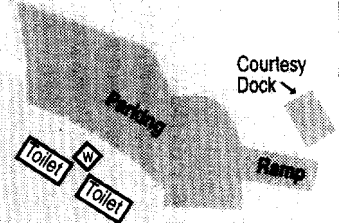
Pomme de Terre Lake Missouri

Welcome to Wheatland Park



**US Army Corps
of Engineers**
Kansas City District

Public Phone
Fee Booth



Park Custodian

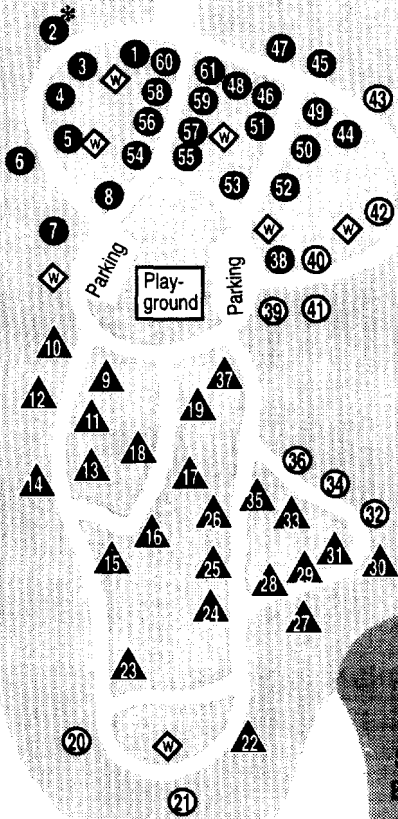
Trash Dumpster

Toilet w/ Showers

Dump Station

Wheatland Park

- Fresh water outlet
- Electric site 1/98
- Non-electric site
- Prime electric-water site
- Accessible site



Change House

Change House



US Army Corps
of Engineers
Kansas City District

Pomme de Terre Lake

CERTIFICATE OF SERVICE

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing "Counterproposal of Bott Communications, Inc." were sent this 29th day of November, 1999, by United States mail, postage prepaid, to the following:

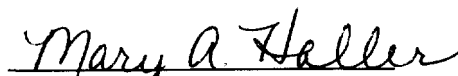
Ms. Kathleen Scheuerle*
Federal Communications Commission
Mass Media Bureau
445 12th Street, S.W., Room 3-A247
Washington, DC 20554

Dick Broadcasting
Station KSDL
119 N. Third, Box 711
Hannibal, MO 63401

Lake Area Educational Broadcasting Foundation
Station KCVJ
P.O. Box 800
Camdenton, MO 65020

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*BY HAND DELIVERY


Mary A. Haller